

(see added claim 12) or in order to remove impurities like sizes or spinning finishes, and prior to manufacture of enduse articles from the sheets such as articles of clothing. Claim 13 is directed to the preferred embodiment of claim 17, disclosed on page 9, lines 24-29. No new matter has been added.

Claims 1-8 are finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Stringer et al. (U.S. Patent 5,858,955). Further, claims 9 and 11 are finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Gosselink et al. (U.S. Patent 5,691,298) in view of Stringer et al. Applicants respectfully traverse both of these rejections with regard to instant process claims 2-5, 7-9 and 11 for the reasons which follow.

Initially applicants note that independent process claim 8 requires the presence of 4 components A-D, and claim 7 requires that components A-C be present in specific ratios relative to D. Process claim 13 requires the presence of all 6 components A-F, and that components A-C and E-F be present in specific ratios relative to D.

As previously pointed out, Stringer discloses (see Summary of the Invention in column 4) aqueous solutions of an amine oxide which are used *inter alia* in "... cleaning compositions such as fabric care cleaning compositions ...". Obviously, the compositions of Stringer serve quite a different purpose than the inventive compositions because fabric care processes are performed upon textile end products, while the instant pretreatment process is performed on fiber materials in the form of textile sheets, as a preparation for subsequent manufacturing steps, in order to remove impurities like sizes or spinning finishes before dyeing or otherwise them, prior to manufacture of the end products from the sheets. Stringer has no teachings concerning such a process.

The Stringer reference generically discloses groups of compounds under which each of components A, B and C of instant process claim 8 fall. As noted by the examiner, Stringer discloses sodium cumenesulfonate (= a preferred component A). But nowhere does Stringer disclose, either in the specification or in Example 3, any mixture that contains all 3 of A, B and C, much less any mixture comprising these components in the amounts required by claims 7 or 13. Applicants aver that the light duty liquid cleaning formulation according to the table of Example 3, pointed to by the examiner, does not contain component A in the amounts required by claims 7 or 13, and does not contain either component B or component C. This will be explained in more detail below.

Since the groups of compounds Stringer discloses comprise literally thousands of individual components, among which are instant components A, B, and C, millions of possibilities of combining these components exist. Applicants aver that the likelihood of producing a claimed composition from the shotgun disclosure of this patent would be about the same as the likelihood of discovering the combination of a safe from the mere inspection of the dials thereof (*Ex parte Garvey*, 41 USPQ 583, PO Bd. of App.). There is absolutely nothing in the reference that would have motivated one skilled in the art to select these particular components when faced with the problem of developing a process for the pretreatment of textile fibers, a problem not even addressed by either the Stringer or Gosselink references.

Applicants note that the purpose of the Stringer formulations is substantially different from textile pretreatment. Important factors in the pretreatment of textiles are primary wettability and rewettability, which have to be at a desired level without the drawback of excessive foam formation. Neither Stringer nor Gosselink mention at all that primary wettability and rewettability have to be optimized, let alone how this can be done.

The examiner asserts that Stringer and Gosselink suggest the same components as recited by applicants, and thus these components would be expected to have the special requirements of primary wettability and rewettability. But it is the specific combination of these components, which is nowhere found in Stringer or Gosselink that has these attributes, not the individual components.

Thus, this assertion is clearly based on hindsight. However, it is well established that hindsight selection from a broad shotgun type disclosure would not guide one skilled in the art to choose applicants restricted class of compositions from among the host of possible combinations so as to make said class obvious within the meaning of 35 U.S.C. § 103. See *Ex parte Strobel et al.*, 160 USPQ 352 (PTO Bd. of App., 1968), cited with approval numerous times by the CCPA and the CAFC.

Applicants have clearly taught in the description that it is essential that the instant compositions contain, in addition to component A, both components B and C, since compositions containing only A and either B or C yield inferior results. Applicants aver that the combination of desirable properties shown in Table II on page 12 for the compositions of inventive Examples 1, 2, 6 and 6 must be regarded as surprising and unexpected. The examiner has not disputed this.

It is further noted that the examples in the specification must be considered in reaching a conclusion as to whether the claimed invention as a whole would have been obvious. *In re Margolis*, 228 USPQ 941 (CAFC, 1986). Hence the invention as a whole of the present claims is clearly unsuggested by Stringer et al.

Claims 9 and 11, directed to a process for the pretreatment of fiber materials, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gosselink in view of Stringer. The secondary reference, Gosselink, US Patent 5,691,298, deals with esters for soil release purposes and with laundry detergents containing these esters. However, since Stringer does not disclose or even render obvious the process according to instant claim 8, it could not have been obvious from Stringer to use compositions recited in claim 8 in Gosselink's laundry process.

Furthermore, the Gosselink processes are not pretreatment processes according to the present invention, namely treatments of textile fibers in the form of textile sheets before dyeing or other finishing operations. Rather, the Gosselink "pretreatment" is obviously a process for soil release treatment of previously laundered fabrics, i.e. endproducts (see col. 41, line 57), where the requirements the formulations used have to meet are substantially different from the requirements in the case of pretreatment of textile fibers according to the present application.

Since none of claimed components A to D contains any ester moieties, the esters of Gosselink, even if they contained incorporated sulfonate or ethoxylated moieties, would be of no relevance whatsoever with regard to the present invention.

Only the "detergent compositions" of Gosselink (Gosselink's claims 17 to 25 and the description in column 30, line 35 up to column 31, line 21) and the "detersive surfactants" described therein need to be considered. Gosselink does not describe compositions that contain all 4 of components A to D in these passages. In neither of Gosselink's examples there are disclosed or rendered obvious such compositions. Hence Gosselink fails to heal the deficiencies of Springer.

Additionally, why would one skilled in the art have been *motivated* to modify the Gosselink compositions by adding the missing components according to claim 1, to obtain compositions which contain all 4 components A to D? Since the Gosselink compositions evidently serve another purpose, namely household laundry applications, whereas the compositions according to the invention have been developed for the industrial pretreatment of fiber materials in which the special requirements

(primary wettability and rewettability) have to be met, as mentioned in the description, it appears the sole motivation to modify the Gosselink compositions by adding the missing components according to claim 1 is hindsight, which is a clearly inadequate basis for a rejection under 35 U.S.C. § 103(a).

Reconsideration and withdrawal of all grounds of rejection of claims 2-5, 7-9 and 11-13 is respectfully solicited in light of the remarks *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 2-5, 7-9 and 11-13 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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